

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

MICHAEL ANTHONY LOVE

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§

CRIMINAL NO. 1:04cr72 LG

**ORDER DENYING MOTION FOR RETROACTIVE
APPLICATION OF SENTENCING GUIDELINES**

BEFORE THE COURT is the Defendant's pro se Motion [90, 96, 100] for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense pursuant to 18 U.S.C. § 3582. The Government filed a response in opposition, arguing that Love was sentenced based on his status as a career offender, and therefore a reduction in the base offense level pursuant to the recent retroactive amendment to the Sentencing Guidelines would have no effect on Love's Guideline range.

Love was sentenced as a career offender pursuant to U.S.S.G. § 4B1.1. Accordingly, the Court finds that Love is not entitled to a sentence reduction, and his Motion should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendant's pro se Motion [90, 96, 100] for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense pursuant to 18 U.S.C. § 3582 is **DENIED**.

SO ORDERED AND ADJUDGED this the 9th day of February 2009.

s/ Louis Guirola, Jr.

Louis Guirola, Jr.
United States District Judge